

Petroleum Tank Release Compensation Board STATE OF MONTANA

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September 13, 2010

Environmental Quality Council
Montana Legislative Services Division
PO Box 201706
Helena, MT 59620-1706

Environmental Quality Council:

The Petroleum Tank Release Compensation Board (PTRCB) respectfully submits this letter to the Council in reference to LC7010/LC 7011, the bill draft currently under consideration by the Council concerning mixing zones for petroleum products. PTRCB **endorses LC7010** as contained in the (Board meeting) packet and the revised LC7011. The Board is not opposed to the inclusion of clarifying language that is consistent with the original objectives:

- 1) To ensure solvency of the fund
- 2) To provide a means for lending institutions to be able to make loans on properties where minor petroleum contamination may exist through the issuance of a No Further Action Letter;

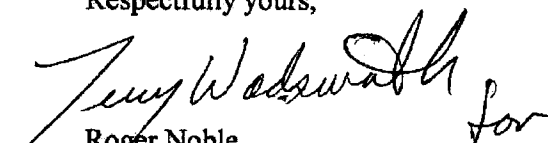
nor is the board opposed to any internal reference corrections.

The Board offers the following suggestions as comments to the proposed Bill Draft LC7011;

75-11-309: (e)(f) The department shall notify the owner or operator of its approval of a corrective action plan and shall promptly submit a copy of the approved corrective action plan to the board. Upon review the board may request that the corrective action plan be amended pursuant to [Section 5] to include a petroleum mixing zone. If the department finds that the conditions for establishment of a petroleum mixing zone in [Section 5] are satisfied, the corrective action plan shall be amended to include a petroleum mixing zone.

New Section (5): (7) A corrective action plan approved by the department pursuant to 75-11-309 may be amended to include a petroleum mixing zone in accordance with this section, including a corrective action plan approved prior to [the effective date of this act].

Respectfully yours,


Roger Noble
Vice Presiding Officer